

111TH CONGRESS  
1ST SESSION

# H. R. 44

To implement the recommendations of the Guam War Claims Review  
Commission.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. BORDALLO (for herself, Mr. HOYER, Mr. RAHALL, Mrs. CHRISTENSEN, Mr. SABLAN, Mr. YOUNG of Alaska, Mr. CONYERS, Mr. SENSENBRENNER, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BECERRA, Mr. HONDA, Mr. SKELTON, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. KILDEE, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. LEVIN, Mr. ORTIZ, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mrs. LOWEY, Mr. PALLONE, Mr. SERRANO, Mr. ANDREWS, Ms. DELAURO, Ms. NORTON, Mr. BARTLETT, Mr. BISHOP of Georgia, Ms. ESHOO, Mr. FARR, Mr. FILLNER, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WOOLSEY, Mr. CUMMINGS, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. JONES, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. WU, Mr. ISRAEL, Mr. LANGEVIN, Mr. REHBERG, Ms. SOLIS of California, Ms. WATSON, Mr. WILSON of South Carolina, Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. GRIJALVA, Mr. MICHAUD, Mr. SCOTT of Georgia, Mr. CUELLAR, Ms. CLARKE, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. HARE, Ms. HIRONO, Mr. LOEBSACK, Mr. MURPHY of Connecticut, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Natural Resources

# A BILL

To implement the recommendations of the Guam War Claims  
Review Commission.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

## 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Guam World War II Loyalty Recognition Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Recognition of the suffering and loyalty of the residents of Guam.

Sec. 3. Payments for Guam World War II claims.

Sec. 4. Adjudication.

Sec. 5. Grants program to memorialize the occupation of Guam during World  
War II.

Sec. 6. Authorization of appropriations.

## 8 **SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY** 9 **OF THE RESIDENTS OF GUAM.**

10 (a) RECOGNITION OF THE SUFFERING OF THE RESI-  
11 DENTS OF GUAM.—The United States recognizes that, as  
12 described by the Guam War Claims Review Commission,  
13 the residents of Guam, on account of their United States  
14 nationality, suffered unspeakable harm as a result of the  
15 occupation of Guam by Imperial Japanese military forces  
16 during World War II, by being subjected to death, rape,  
17 severe personal injury, personal injury, forced labor,  
18 forced march, or internment.

1 (b) RECOGNITION OF THE LOYALTY OF THE RESI-  
 2 DENTS OF GUAM.—The United States forever will be  
 3 grateful to the residents of Guam for their steadfast loy-  
 4 alty to the United States of America, as demonstrated by  
 5 the countless acts of courage they performed despite the  
 6 threat of death or great bodily harm they faced at the  
 7 hands of the Imperial Japanese military forces that occu-  
 8 pied Guam during World War II.

9 **SEC. 3. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

10 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,  
 11 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—  
 12 Subject to section 6(a), after receipt of certification pursu-  
 13 ant to section 4(b)(8) and in accordance with the provi-  
 14 sions of this Act, the Secretary of the Treasury shall make  
 15 payments as follows:

16 (1) RESIDENTS INJURED.—The Secretary shall  
 17 pay compensable Guam victims who are not de-  
 18 ceased before any payments are made to individuals  
 19 described in paragraphs (2) and (3) as follows:

20 (A) If the victim has suffered an injury de-  
 21 scribed in subsection (c)(2)(A), \$15,000.

22 (B) If the victim is not described in sub-  
 23 paragraph (A) but has suffered an injury de-  
 24 scribed in subsection (c)(2)(B), \$12,000.

1 (C) If the victim is not described in sub-  
2 paragraph (A) or (B) but has suffered an in-  
3 jury described in subsection (c)(2)(C), \$10,000.

4 (2) SURVIVORS OF RESIDENTS WHO DIED IN  
5 WAR.—In the case of a compensable Guam decedent,  
6 the Secretary shall pay \$25,000 for distribution to  
7 eligible survivors of the decedent as specified in sub-  
8 section (b). The Secretary shall make payments  
9 under this paragraph after payments are made  
10 under paragraph (1) and before payments are made  
11 under paragraph (3).

12 (3) SURVIVORS OF DECEASED INJURED RESI-  
13 DENTS.—In the case of a compensable Guam victim  
14 who is deceased, the Secretary shall pay \$7,000 for  
15 distribution to eligible survivors of the victim as  
16 specified in subsection (b). The Secretary shall make  
17 payments under this paragraph after payments are  
18 made under paragraphs (1) and (2).

19 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-  
20 ments under paragraph (2) or (3) of subsection (a) to eli-  
21 gible survivors of an individual who is a compensable  
22 Guam decedent or a compensable Guam victim who is de-  
23 ceased shall be made as follows:

1           (1) If there is living a spouse of the individual,  
2           but no child of the individual, all of the payment  
3           shall be made to such spouse.

4           (2) If there is living a spouse of the individual  
5           and one or more children of the individual, one-half  
6           of the payment shall be made to the spouse and the  
7           other half to the child (or to the children in equal  
8           shares).

9           (3) If there is no living spouse of the individual,  
10          but there are one or more children of the individual  
11          alive, all of the payment shall be made to such child  
12          (or to such children in equal shares).

13          (4) If there is no living spouse or child of the  
14          individual but there is a living parent (or parents)  
15          of the individual, all of the payment shall be made  
16          to the parents (or to the parents in equal shares).

17          (5) If there is no such living spouse, child, or  
18          parent, no payment shall be made.

19          (c) DEFINITIONS.—For purposes of this Act:

20               (1) COMPENSABLE GUAM DECEDENT.—The  
21               term “compensable Guam decedent” means an indi-  
22               vidual determined under section 4(a)(1) to have been  
23               a resident of Guam who died or was killed as a re-  
24               sult of the attack and occupation of Guam by Impe-  
25               rial Japanese military forces during World War II,

1 or incident to the liberation of Guam by United  
2 States military forces, and whose death would have  
3 been compensable under the Guam Meritorious  
4 Claims Act of 1945 (Public Law 79–224) if a timely  
5 claim had been filed under the terms of such Act.

6 (2) COMPENSABLE GUAM VICTIM.—The term  
7 “compensable Guam victim” means an individual de-  
8 termined under section 4(a)(1) to have suffered, as  
9 a result of the attack and occupation of Guam by  
10 Imperial Japanese military forces during World War  
11 II, or incident to the liberation of Guam by United  
12 States military forces, any of the following:

13 (A) Rape or severe personal injury (such  
14 as loss of a limb, dismemberment, or paralysis).

15 (B) Forced labor or a personal injury not  
16 under subparagraph (A) (such as disfigure-  
17 ment, scarring, or burns).

18 (C) Forced march, internment, or hiding  
19 to evade internment.

20 (3) DEFINITIONS OF SEVERE PERSONAL INJU-  
21 RIES AND PERSONAL INJURIES.—The Foreign  
22 Claims Settlement Commission shall promulgate reg-  
23 ulations to specify injuries that constitute a severe  
24 personal injury or a personal injury for purposes of

1       subparagraphs (A) and (B), respectively, of para-  
2       graph (2).

3   **SEC. 4. ADJUDICATION.**

4       (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**  
5   **COMMISSION.—**

6           (1) **IN GENERAL.**—The Foreign Claims Settle-  
7       ment Commission is authorized to adjudicate claims  
8       and determine eligibility for payments under section  
9       3.

10          (2) **RULES AND REGULATIONS.**—The chairman  
11       of the Foreign Claims Settlement Commission shall  
12       prescribe such rules and regulations as may be nec-  
13       essary to enable it to carry out its functions under  
14       this Act. Such rules and regulations shall be pub-  
15       lished in the Federal Register.

16       (b) **CLAIMS SUBMITTED FOR PAYMENTS.—**

17          (1) **SUBMITTAL OF CLAIM.**—For purposes of  
18       subsection (a)(1) and subject to paragraph (2), the  
19       Foreign Claims Settlement Commission may not de-  
20       termine an individual is eligible for a payment under  
21       section 3 unless the individual submits to the Com-  
22       mission a claim in such manner and form and con-  
23       taining such information as the Commission speci-  
24       fies.

1           (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

2       All claims for a payment under section 3 shall be  
3       filed within one year after the Foreign Claims Set-  
4       tlement Commission publishes public notice of the  
5       filing period in the Federal Register. The Foreign  
6       Claims Settlement Commission shall provide for the  
7       notice required under the previous sentence not later  
8       than 180 days after the date of the enactment of  
9       this Act. In addition, the Commission shall cause to  
10      be publicized the public notice of the deadline for fil-  
11      ing claims in newspaper, radio, and television media  
12      on Guam.

13           (3) ADJUDICATORY DECISIONS.—The decision  
14      of the Foreign Claims Settlement Commission on  
15      each claim shall be by majority vote, shall be in writ-  
16      ing, and shall state the reasons for the approval or  
17      denial of the claim. If approved, the decision shall  
18      also state the amount of the payment awarded and  
19      the distribution, if any, to be made of the payment.

20           (4) DEDUCTIONS IN PAYMENT.—The Foreign  
21      Claims Settlement Commission shall deduct, from  
22      potential payments, amounts previously paid under  
23      the Guam Meritorious Claims Act of 1945 (Public  
24      Law 79–224).



1           (5) INTEREST.—No interest shall be paid on  
2       payments awarded by the Foreign Claims Settlement  
3       Commission.

4           (6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with  
5       any claim filed with the Foreign Claims Settlement  
6       Commission under this Act shall exceed one percent  
7       of the total amount paid pursuant to any payment  
8       certified under the provisions of this Act on account  
9       of such claim. Any agreement to the contrary shall  
10      be unlawful and void. Whoever demands or receives,  
11      on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than \$5,000 or imprisoned not more than 12 months, or both.

12           (7) APPEALS AND FINALITY.—Objections and  
13      appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and  
14      upon rehearing, the decision in each claim shall be  
15      final, and not subject to further review by any court  
16      or agency.

17           (8) CERTIFICATIONS FOR PAYMENT.—After a  
18      decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission

1 shall certify it to the Secretary of the Treasury for  
2 authorization of a payment under section 3.

3 (9) TREATMENT OF AFFIDAVITS.—For pur-  
4 poses of section 3 and subject to paragraph (2), the  
5 Foreign Claims Settlement Commission shall treat a  
6 claim that is accompanied by an affidavit of an indi-  
7 vidual that attests to all of the material facts re-  
8 quired for establishing eligibility of such individual  
9 for payment under such section as establishing a  
10 prima facie case of the individual's eligibility for  
11 such payment without the need for further docu-  
12 mentation, except as the Commission may otherwise  
13 require. Such material facts shall include, with re-  
14 spect to a claim under paragraph (2) or (3) of sec-  
15 tion 3(a), a detailed description of the injury or  
16 other circumstance supporting the claim involved, in-  
17 cluding the level of payment sought.

18 (10) RELEASE OF RELATED CLAIMS.—Accept-  
19 ance of payment under section 3 by an individual for  
20 a claim related to a compensable Guam decedent or  
21 a compensable Guam victim shall be in full satisfac-  
22 tion of all claims related to such decedent or victim,  
23 respectively, arising under the Guam Meritorious  
24 Claims Act of 1945 (Public Law 79-224), the imple-

1       menting regulations issued by the United States  
2       Navy pursuant thereto, or this Act.

3               (11) PENALTY FOR FALSE CLAIMS.—The provi-  
4       sions of section 1001 of title 18 of the United States  
5       Code (relating to criminal penalties for false state-  
6       ments) apply to claims submitted under this sub-  
7       section.

8       **SEC. 5. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPA-**  
9               **TION OF GUAM DURING WORLD WAR II.**

10       (a) ESTABLISHMENT.—Subject to section 6(b) and in  
11       accordance with this section, the Secretary of the Interior  
12       shall establish a grants program under which the Sec-  
13       retary shall award grants for research, educational, and  
14       media activities that memorialize the events surrounding  
15       the occupation of Guam during World War II, honor the  
16       loyalty of the people of Guam during such occupation, or  
17       both, for purposes of appropriately illuminating and inter-  
18       preting the causes and circumstances of such occupation  
19       and other similar occupations during a war.

20       (b) ELIGIBILITY.—The Secretary of the Interior may  
21       not award to a person a grant under subsection (a) unless  
22       such person submits an application to the Secretary for  
23       such grant, in such time, manner, and form and con-  
24       taining such information as the Secretary specifies.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND  
3 ADJUDICATION.—For purposes of carrying out sections 3  
4 and 4, there are authorized to be appropriated  
5 \$126,000,000, to remain available for obligation until Sep-  
6 tember 30, 2013, to the Foreign Claims Settlement Com-  
7 mission. Not more than 5 percent of funds made available  
8 under this subsection shall be used for administrative  
9 costs.

10 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For  
11 purposes of carrying out section 5, there are authorized  
12 to be appropriated \$5,000,000, to remain available for ob-  
13 ligation until September 30, 2013.

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